

[Please amend claim 14 as follows:]

14. (Amended) A method of reusing the easy open, reusable closure apparatus for a container having a neck with a terminal end having an orifice and a radially outwardly extending bead having an outer surface and a radially outwardly extending undercut, an upper portion, and a lower portion, comprising:

a cap portion having a top panel, a peripherally depending side wall having a radially inwardly extending peripheral lip that engages said bead undercut securing said closure to said container, and a peripherally depending skirt; and

a handle depending from said cap portion, said handle further comprising an upper portion, a lower portion, and a fulcrum portion there between said upper and lower portions; the method comprising the steps of:

providing a container; and

pressing said cap portion of the easy open closure apparatus firmly down over said bead until said peripheral lip engages said bead undercut.

REMARKS

Claims 1 and 3 through 14 are pending in the present application. Claim 2 has been canceled. Claims 1, 6, 13 and 14 have been amended. No new matter has been introduced by the amendments.

Claim 6 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Action states that claim 6 recites the limitation "said container top panel", which lacks antecedent basis.

It is respectfully submitted that claim 6 has been amended to properly reflect antecedent basis. As such, Applicant respectfully requests reconsideration and withdrawal of the §112, second paragraph rejection.

Claims 1 through 3, 10 through 12 and 14 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,251,770 to Bartley et al. (Bartley).

Bartley discloses a container and pressure sealing closure combination. The closure includes a rim portion engaging the mouth of the container, a substantially rigid central portion and an annular toggle portion pivotally connected to and interconnecting the rim portion and central portion. The closure includes a tab which is pivoted upwardly to remove the closure from the container. The rim portion includes a plurality of sets of radially extending slots which fracture when the tab is pivoted upward, **thereby preventing reattachment of the closure.**

Claim 1 recites an easy open, **reusable** closure apparatus for a container having a neck with a terminal end having an orifice and a radially outwardly extending bead having an outer surface and a radially outwardly extending undercut, an upper portion, and a lower portion. The closure apparatus comprises a cap portion having a top panel, a peripherally depending side wall, and a peripherally depending skirt, and a handle depending from the cap portion. The peripherally depending side wall includes an inner surface that conforms to the bead outer surface and a radially inwardly extending peripheral lip that engages the bead undercut securing the closure to the container.

Claim 14 recites a method of reusing the easy open, reusable closure apparatus for a container having a neck with a terminal end having an orifice and a radially outwardly extending bead having an outer surface and a radially outwardly extending undercut, an upper portion, and a lower portion. The reusable closure apparatus comprises a cap portion having a top panel, a peripherally depending side wall having a radially inwardly extending peripheral lip that engages the bead undercut securing the closure to the container, and a peripherally depending skirt. The reusable closure also comprises a handle depending from the cap portion. The handle further comprises an upper portion, a lower portion, and a fulcrum portion there between the upper and

lower portions. The method of reusing the reusable closure apparatus comprises the steps of providing a container and pressing the cap portion of the easy open, reusable closure apparatus firmly down over the bead until the peripheral lip engages the bead undercut.

Clearly, Bartley does not disclose a **reusable** closure apparatus, as recited in claim 1 and claim 14. To the contrary, the container closure of Bartley, when opened, causes a plurality of sets of radially extending slots to fracture when the tab is pivoted upward (Abstract and col. 5, lines 10-26). This prevents the container closure from being reused, unlike the claimed invention. The reusable feature of the present invention forms an important part of the invention. This is evident in the construction of the invention set forth in the specification beginning on page 5, line 29 to page 6, line 18.

Bartley fails to disclose a reusable closure apparatus as recited in claims 1 through 3, 10 through 12 and 14. Therefore, Applicant respectfully requests reconsideration and withdrawal of the §102(b) rejection of these claims.

Claims 1 through 14 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,326,649 to Marino et al. (Marino).

Marino discloses a **dust cover for an aerosol container**. To secure the dust cover, one or more fixed lugs project inwardly from the bottom edge of the body to engage a rim on the container. The cover is further secured by a release lug. A tab attaches the assurance lug to the body, the tab being permanently deformable to cause the assurance lug to be disengaged from the rim. The cover can then be removed by disengaging the release lug which is moved from its normal position by an actuator.

Claims 1 and 14 are set forth above. Claim 13 recites a method of opening a container using the easy open, reusable closure apparatus for a container having a neck with a terminal end having an orifice and a radially outwardly extending bead having an outer surface and a radially outwardly extending undercut, an upper portion, and a lower portion. The reusable closure apparatus comprises a cap portion having a top panel, a peripherally depending side wall having

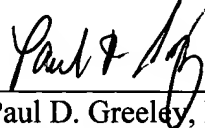
a radially inwardly extending peripheral lip that engages the bead undercut securing the closure to the container, and a peripherally depending skirt. The closure apparatus also comprises a handle depending from the cap portion. The handle further comprises an upper portion, a lower portion, and a fulcrum portion there between the upper and lower portions. The method comprises the steps of holding the neck of the container and the lower handle portion of the handle with at least one hand and depressing the lower handle portion toward the neck of the container until the peripheral lip disengages the bead undercut.

The dust cap in Marino is secured to the container initially by only four lugs, and after use by only three lugs. To the contrary, the claimed invention is secured to the container bead by a peripheral lip that extends around the **entire circumference** of the container orifice. This is critical because the closure of the present invention is suitable for use on containers having pressurized contents, which would exert a pressure directly on the closure. Thus, by securing the closure over the entire circumference of the closure bead, the cap can remain intact, despite any pressure. This is contrary to the cap in Marino, which is simply a dust cap on an aerosol can that clearly would not be exposed to any pressure exerted by the contents of the container. As such, the dust cap is secured by only three lugs and not over the entire circumference of the container.

It is respectfully submitted that Marino fails to anticipate the invention recited in claims 1 and 3 through 14. As such, Applicant respectfully requests reconsideration and withdrawal of the §102(b) rejection.

It is submitted that this is a full and complete response to the Office Action and reconsideration and withdrawal of all rejections of the claims is respectfully requested.

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